

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

United States of America,

Plaintiff,

v.

Case No. 1:03cv96

Wilson M. Graham, et. al.,

District Judge Michael H. Watson

Defendants.

OPINION AND ORDER

Before the Court are the following:

1. The January 22, 2004 Report and Recommendation (hereinafter "Report I") issued by Magistrate Judge Hogan (Doc. 85). Objection to Report I were not filed.
2. The January 23, 2004 Report and Recommendation (hereinafter "Report II") issued by Magistrate Judge Hogan (Doc. 86). Objections to Report II were not filed.

When objections are received to a magistrate judge's Report and Recommendation on a dispositive matter, the assigned district judge "shall make a de novo determination...of any portion of the magistrate judge's disposition to which specific written objection has been made...." Fed. R. Civ. P. 72(b). After review, the district judge "may accept, reject or modify the recommended decision, receive further evidence, or recommit the matter to the magistrate judge with instructions." *Id*; see also 28 U.S.C. 636(b)(1)(B). General objections are insufficient to preserve any issues for review; "[a] general objection to the entirety of the magistrate's report has the same

effects as would a failure to object.” *Howard v. Secretary of Health and Human Services*, 932 F.2d 505, 509 (6th Cir. 1991).

Magistrate Judge Hogan’s Report I recommends the October 28, 2003 Motions of Defendant to Dismiss (Docs. 65 and 66) be denied. Additionally, Magistrate Judge Hogan’s Report II recommends the April 16, 2003 Motion of Plaintiff to Amend the Complaint (Doc. 17) be denied as moot.

The parties were given proper notice, pursuant to 28 U.S.C. § 636(b)(1)©, including notice the parties would waive further appeal if they failed to file objections to the Report in a timely manner. See *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). As previously stated, no objections to Report I or Report II were filed.

Upon *de novo* review of this matter, pursuant to 28 U.S.C. §636, the Court finds no error in Report I or Report II. Accordingly, the January 22, 2004 Report and Recommendation ((Doc. 85) is **ADOPTED** and the October 28, 2003 Motions of Defendant to Dismiss (Docs. 65 and 66) are **DENIED**; and the January 23, 2004 Report and Recommendation ((Doc. 86) is **ADOPTED** and the April 16, 2003 Motion of Plaintiff to Amend the Complaint (Doc. 17) is **DENIED AS MOOT**.

IT IS SO ORDERED.



MICHAEL H. WATSON, JUDGE
UNITED STATES DISTRICT COURT